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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,313	03/10/2000	Tony Gerard Rose	1263.0805	5129
5514	7590	10/31/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			FILIPCZYK, MARCIN R	
			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/523,313	ROSE, TONY GERARD	
	Examiner Marc R Filipczyk	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-88 is/are pending in the application.

4a) Of the above claim(s) 1-48 and 63-67 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 49-62 and 68-88 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 March 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>13</u> .	6) <input type="checkbox"/> Other: _____

***Response to Amendment***

This action is responsive to Applicant's response filed on August 14, 2003 (paper # 12).

Supplemental IDS received on August 14, 2003 has been noted. Claims 49-62 remain for examination, claims 1-48 and 63-67 remain withdrawn and newly added claims 68-88 are presented for examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 49-62 and 68-88 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwinski et al (U.S. Patent No. 6,243,093).

Regarding claims 49, 51, 52, 54, 84 and 86, Czerwinski discloses a data display apparatus/method for displaying the relationships between sets of data (content of each object), the apparatus comprising: (title)

data receiving means for receiving sets of data and similarity values for the similarity between the sets of data; (col. 1, lines 11-15 and col. 18, lines 8-16)

display control means for controlling said display means to display representations for said sets of data separated in accordance with said similarity values (abstract, lines 6-10) and to display links between the representations in accordance with the similarity values (fig. 11 O, fig. 12 C-E and col. 19, lines 49-51 and col. 21, lines 3-5, also see fig. 22).

(Note: links displayed in different colors according to similarity of objects and threshold)

Regarding claims 50 and 53, Czerwinski discloses display means to display said representations as images of said sets of data (col. 6, lines 26-32 and 38-42).

Regarding claims 55, 58, 60-62, 85 Czerwinski discloses a data display apparatus/method for displaying the relationships between sets of data (content of each object), the apparatus comprising: (title)

data receiving means for receiving sets of data and similarity values for the similarity between the sets of data; (col. 1, lines 11-15 and col. 18, lines 8-16)

arrangement calculation means for calculating an arrangement of representations for said sets of data on display means in which arrangement the representations are spaced according to said similarity values; (abstract, lines 6-10)

display control means for controlling said display means to display the arrangement of the representations; (abstract, lines 6-10, and fig. 22) and

user selection means allowing a user to select and move one of the representations (fig. 19B, blocks 1928, 1930, 1932 and 1938, and fig. 22).

Regarding claims 56, 57, 59 and 60, Czerwinski discloses identifying dragged objects (fig. 19B, block 1928) in relation to other objects (fig. 19B, block 1930) and, calculating and updating the location of the object in relation to other objects (fig. 19B, block 1932) using starting and target separations (col. 22, lines 5-14).

(Note: dragging an object requires control of display)

Regarding all the instances of claims 68-73 and 75-83, Czerwinski discloses receiving an input query and determining similarity values (fig. 2, item 264, and col. 18, lines 8-16).

Regarding all the instances of claim 74, Czerwinski discloses displaying thumbnail images of the sets of data as the representations (col. 6, lines 40-42).

Regarding all the instances of claims 87 and 88, Czerwinski discloses a storage medium with a cpu to carry out instruction and a signal carrying instructions (fig. 1B, 102, 104, 106 and 108).

#### ***Response to Arguments***

Applicant's arguments filed on August 14, 2003 have been fully considered but they are not persuasive. The arguments and responses are listed above.

Applicant argues on page 33 of the 8/14/03 response that, "Applicants submits concurrently herewith a Substitute Specification, containing a separate heading for each body of

the disclosure. Reconsideration and withdrawal of the objections to the specification are requested”.

In response to Applicant’s argument, Examiner agrees. As such, the Examiner withdraws his objection.

Applicant argues on page 35 of the 8/14/03 response that Czerwinski does not teach separating representations for sets of data in accordance with similarity values.

In response to Applicant’s argument, Examiner disagrees. Col. 18, lines 8-16, Czerwinski teaches a user interface displays data based on similarity values (keywords).

Applicant argues on pages 36 and 37 of the 8/14/03 response that, “the patent neither teaches nor suggests at least the feature of calculating, or arrangement calculation means for calculating, an arrangement the representations are spaced according to similarity values”.

In response to Applicant’s argument, Examiner disagrees. Fig. 22, Czerwinski illustrates all the objects are dragged in respect to the similarity distance of the selected moving object.

Examiner further points to another prior art, Ackermann system which also teaches the claimed matter that Applicants believe is novel, see fig. 3, Ackermann.

With respect to all the pending claims 49-62 and 68-88, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to display systems based on similarity and proximity:

U.S. Patent No. 6,211,876 of Ackermann et al.

U.S. Patent No. 6,405,195 of Ahlberg.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156. The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF  
October 22, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
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